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Patent
Attorney's Docket No. 001560-381

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Kengo AKIMOTO et al.) Group Art Unit: 1651
Application No.: 09/530,260) Examiner: Irene Marx
Filed: July 12, 2000) Confirmation No.: 7267
For: PROCESS FOR PRODUCING)
ARACHIDONIC ACID-)
CONTAINING LIPIDS AND)
DIHOMO-GAMMA-LINOLENIC)
ACID-CONTAINING LIPIDS)

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DECLARATION PURSUANT TO 37 C.F.R. §§ 1.801-.809

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Nobutada Saji, declare as follows:

1. I am the President of SUNTORY LIMITED, the Assignee of the above referenced application.
2. That the microorganism, *Mortierella alpina* SAM2153, was deposited as a national deposition in Japan on August 5, 1996 and was given the deposit Accession No. FERM P-15767. On July 26, 1999, the International Depository Authority accepted a request for transfer to a deposit under the terms of the Budapest Treaty and was thus given the deposit Accession No. FERM BP-6794. The International Depository Authority is National Institute of Science and Human-Technology Agency of Industrial Science

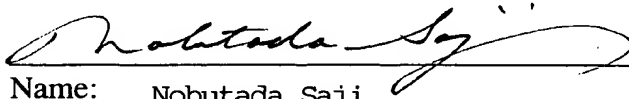
and Technology which is located at 1-3, Higashi 1 chome, Tsukuba-shi,
Ibaraki-ken, 305-8566, Japan.

3. That all restrictions on the availability to the public of the above-mentioned deposited material will be irrevocably removed upon the granting of a patent.
4. That the attached copy of the Letter transmitting the RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT of mutant strain, *Mortierella alpina* SAM2153, is a true copy of the original Letter, Receipt and Declaration of Viability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SUNTORY LIMITED

March 1, 2003
Date


Name: Nobutada Saji
Title: President

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則7.1に従い
発行される。

原寄託についての受託証

氏名 (名称)

サントリー株式会社
代表取締役

鳥井 信一郎

殿

寄託者

あて名 〒

大阪府大阪市北区堂島浜2丁目1番40号

1. 微生物の表示

(寄託者が付した識別のための表示)

Mortierella alpina SAM2153

(受託番号)

FERM BP- 6794

2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 8 年 8 月 5 日 (原寄託日) に受領した 1 欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、平成 8 年 8 月 5 日 (原寄託日) に 1 欄の微生物を受領した。
そして、平成 11 年 7 月 26 日 に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。
(平成 8 年 8 月 5 日に寄託された微工研菌寄第 P- 15767 号より移管)

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology
Agency of Industrial Science and Technology

所長 大箸 信

Dr. Shinobu Ohtsuka Director-General

あて名: 日本国茨城県つくば市東1丁目1番5号 (郵便番号 305-8566)

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成 11 年 (1999) 7 月 26 日

DEPOSITOR
Name: SUNTORY LIMITED
Representative: Shinichiro Torii
Address: 1-40, Dojimahama 2-chome,
Kita-ku, Osaka-shi, Osaka

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR: *Mortierella alpina* SAM2153

(Deposition Number)

FERM BP-6794

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- × a scientific description
- × a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the
microorganisms identified under I above, which was received by it on
August 5, 1996 (Date of the original deposit)¹.

IV. RECEIPT OF TRANSFER

This International Depositary Authority accepted the
microorganisms identified under I above, on August 5, 1996 (Date of the
original deposit), and accepted a request for transfer to a deposition
under Budapest treaty from the original deposition, on July 26, 1999.
(Transferred from FERM P-15767 deposited on August 5, 1996)

V. INTERNATIONAL DEPOSITARY AUTHORITY

National Institute of Science and Human-Technology
Agency of Industrial Science and Technology
Director General Shinichi Ohashi

1- 3, Higashi 1 chome, Tsukuba-shi,
Ibaraki-ken, 305-8566, Japan

July 26, 1999